



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

WMP
F.#2009R00374

271 Cadman Plaza East
Brooklyn, New York 11201

December 15, 2011

BY HAND DELIVERY AND ECF

The Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Christopher Finazzo, et ano.
Criminal Docket No. 10-457 (RRM)

Dear Magistrate Judge Levy:

The government writes to inform the Court of its position with respect to the Rule 17(c) subpoena issued to Aéropostale. In an effort to move towards a speedy resolution of this case, which has been pending for over a year and a half, the government notified defense counsel that it would not oppose, at this time, the issuance of the proposed subpoena based on the revisions and narrowed scope of the subpoena. However, the government maintains its position that the subpoena is not necessary because (i) the vast majority of the information requested is not relevant to the issues in this case, and (ii) the vast majority of the documents sought are not admissible at trial.

Respectfully submitted,

LORETTA E. LYNCH
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Eastern District of New York

By: /s/
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cc: Clerk of the Court (RRM) (RML) (by ECF)
Defense Counsel (by ECF and Email)